

TOWN BOARD MEETING
 WEDNESDAY, JUNE 6, 2007; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey,
 Councilwoman Weyant, Councilwoman Biasotti

OTHER OFFICIALS PRESENT: Town Attorney Blythe, Comptroller Finnegan,
 Police Lieutenant Farbent

Supervisor Green called to order the Town Board meeting and presided over same.

#1 On Agenda: Minutes

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve the minutes of the Town Board meeting held on May 2, 2007, as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 4-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

#2 On Agenda: Motion – Authorization To Advertise For Sealed Bids – Water Meters

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for sealed bids for Water Meters. Bids shall be received and publicly opened on the 28th day of June 2007 at 10:00 a.m. (local time); at the office of the Town Clerk, 555 Union Avenue, New Windsor, New York. The Town Board of the Town of New Windsor reserves the right to reject any and/or all bids.

Roll Call: All Ayes

Motion Carried: 4-0

WATER DEPARTMENT

3 On Agenda: Receive And File Petition And Revised Map, Plan & Report – Water District #5, Extension #2 (Covington Estates)

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Petition dated June 5, 2007, and Map, Plan & Report, revised May 9, 2007, for Extension #2 of Water District #5 (Covington Estates) as approved by McGoey, Hauser & Edsall Consulting Engineers, P.C., by memorandum dated May 24, 2007.

4 On Agenda: Receive And File Performance Bond And Labor And Material Payment Bond - Tri-Co Electric Corporation

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Performance Bond and a Labor and Material Payment Bond from Tri-Co Electric Corporation in the amount of \$125,200.00 together with certificates of insurance naming Town of New Windsor and McGoey, Hauser & Edsall Consulting Engineers, P.C., as additional insureds for the Union Avenue Pump Station Improvement Project.

5 On Agenda: Receive And File Performance Bond And Labor And Material Payment Bond - CA Phillips Construction Corp.

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Performance Bond and a Labor and Material Payment Bond from C.A. Phillips Construction Corporation, in the amount of \$112,800.00 together with certificates of insurance naming Town of New Windsor and McGoey, Hauser & Edsall, Consulting Engineers, P.C., as additional insureds for the Union Avenue Pump Station Improvement Project.

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SANITATION DEPARTMENT

GENERAL

6 On Agenda: Receive And File Letter Requesting Special Use Permit – Affordable Senior Housing

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a letter dated April 18, 2007 from Pietrzak & Pfau Engineering and Surveying PLLC, requesting a Special Use Permit for the construction of affordable senior housing to be located approximately one thousand (1,000) feet northeast of the intersection of New York State Route 94 and New York State Route 32. The project consists of two (2) three (3) story buildings containing ninety six (96) units. The project site is approximately 4.14 acres and identified as Section 65, Block 2, Lot 29.

7 On Agenda: Receive And File Agreement With County Of Orange – New York Statewide Mass Transportation Operating Assistance Program

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Agreement with the County of Orange for New York Statewide Mass Transportation Operating Assistance Program, for the period April 1, 2007 through March 31, 2008.

8 On Agenda: Motion – Authorize Execution Of 2007 Grant Agreement And Contract With Orange County Department Of Planning

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to sign and submit the application, accept funds and execute a 2007 Grant Agreement and Contract with the Orange County Department of Planning in the amount of \$10,000 for a planning consultant to update the Town's Comprehensive Plan.

Roll Call: All Ayes

Motion Carried: 4-0

9 On Agenda: Motion – Authorize Supervisor To Execute PILOT Agreement And Related Documents – Town Of New Windsor And Atlantic Marine Corps Communities LLC

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute a PILOT Agreement and related documents between the Town of New Windsor and Atlantic Marine Corps Communities, LLC (AMCC) for Stewart Terrace Housing, as recommended by the Town Assessor.

Roll Call: All Ayes

Motion Carried 4-0

10 On Agenda: Motion – Authorize Supervisor To Execute Memorandum Of Understanding And Related Documents – Town Of New Windsor And Atlantic Marine Corps Communities LLC

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute a Memorandum of Understanding and related documents between the Town of New Windsor and Atlantic Marine Corps Communities, LLC (AMCC) governing the relationship between the Town of New Windsor and AMCC for construction of housing at Stewart Terrace, as recommended by the Town Attorney.

Roll Call: All Ayes

Motion Carried 4-0

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11 On Agenda: Receive And File New York State Attorney General Consent Decree Regarding Orange County Landfill Site #336007

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Consent Decree entered May 16, 2007 with the State of New York Office of the Attorney General for the Orange County Landfill Site #336007.

12 On Agenda: Motion – Authorize Supervisor To Execute Grant Application And Project Agreement - Plum Point Park

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, Town of New Windsor wishes to apply to the Hudson River Estuary Program for a grant not to exceed \$10,000.00 under the Hudson River Estuary Management Act (ECL 11-0306) for a project entitled “Repair of Stream Bank and Platform at Plum Point”, which project is located in the Town of New Windsor; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality in which the project will be located; and,

WHEREAS, the grant requires a twenty-five (25%) percent match of funds awarded; and,

WHEREAS, the Town Board of the Town of New Windsor has determined that this project would have no adverse environmental impact;

NOW THEREFORE, BE IT RESOLVED,

1. That the Town Board of the Town of New Windsor authorizes and directs the Supervisor to make application to the Hudson River Estuary Program for a grant under the Hudson River Estuary Management Act (ECL 11-0306) for a project entitled “Repair of Stream Bank and Platform at Plum Point”, which is located within this community;
2. That the Town Board of the Town of New Windsor further authorizes and directs Supervisor to execute a project agreement with the Hudson River Estuary Program for repair of the stream bank and platform at Plum Point;
3. That the Town Board of the Town of New Windsor further authorizes the required match of funds, if awarded, said match not to exceed twenty-five (25%) percent of the grant received;
4. That the Town Board of the Town of New Windsor, pursuant to the State Environmental Quality Review Act, hereby declares a negative declaration for the repair of the stream bank and platform at Plum Point Park.

The Town Board of the Town of New Windsor further authorizes the Supervisor to execute the appropriate Environmental Assessment Form.

Roll Call: All Ayes

Motion Carried 4-0

13 On Agenda: Receive and File Decision And Order In The Matter Of “Boardman V. Town Of New Windsor”

Hearing no objection, the Town Board of the Town of New Windsor receive and file Decision and Order, dated April 24, 2007, in the matter of “Boardman v. Town of New Windsor.”

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14 On Agenda: Motion - Adopt Resolution For Acceptance Of Credit Card Payment

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, pursuant to the authority granted in Section 5 of the General Municipal Law the Town Board of the Town of New Windsor may authorize the acceptance of credit cards for payments of fees, assessments, fines and penalties; and

WHEREAS, the Town may charge a transaction fee for acceptance of credit card payment in addition to the fees, assessments, fines and penalties; and

WHEREAS, the Town Board of the Town of New Windsor has received numerous requests for the acceptance of credit cards for payment of fees, assessments, fines and penalties.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Recreation Department of the Town of New Windsor and appropriate officers thereof be authorized to accept credit card payments as provided therein; and

BE IT FURTHER RESOLVED, that the Town Comptroller may, in addition to fees, assessments, fines and penalties, add to the payment of a sum not to exceed four (4%) percent of the amount of fees, assessments, fines and penalties as a service charge for acceptance of such card; and

BE IT FURTHER RESOLVED, that the underlying debt, assessments, fees, fines, penalties or other amount owed to the Town for which payment by credit card is accepted shall not be expunged, cancelled, released, discharged or satisfied and any receipt or other evidence of payment shall be deemed conditional, until the Town has received final and unconditional payment of the full amount due from financing agency or credit card issuer for such credit card transactions.

Roll Call: All Ayes

Motion Carried 4-0

15 On Agenda: Motion - Adopt Resolution Authorizing Payment Via The Internet

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, pursuant to authority granted in Section 5 of the General Municipal Law, the Town Board of the Town of New Windsor may authorize the acceptance of payment by credit card via the internet; and

WHEREAS, the Town Board of the Town of New Windsor has received numerous requests to allow the acceptance of payment by credit card via the internet.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Recreation Department of the Town of New Windsor and appropriate officers be authorized to accept payment by credit card via the internet subject to conditions of the resolution to accept credit card payments adopted June 6, 2007.

Roll Call: All Ayes

Motion Carried 4-0

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**# 16 On Agenda: Motion – Authorization To Advertise For Sealed Bids –
Sale Of Used Town Equipment**

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for sealed bids for the sale of used town equipment. The bids to be received and publicly opened at 10:00 A.M. in the Town Clerk's office in Town Hall, 555 Union Avenue, New Windsor, New York on the 25th day of June 2007. The Town Board reserves the right to reject any or all bids.

Roll Call: All Ayes

Motion Carried 4-0

17 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

Building Department	Month of April 2007
Receiver of Taxes (monthly tax statement)	Month of April 2007
Fire Prevention	Month of May 2007
Receiver of Taxes (monthly tax statement)	Month of May 2007
Receiver of Taxes (Water, Sewer, Garbage)	Month of May 2007
Recreation Department	Month of May 2007
Town Justice Suttlehan	Month of May 2007
Town Justice Thorpe	Month of May 2007
Town Clerk	Month of May 2007

18 On Agenda: Public Forum

Supervisor Green said that before he opened the public forum, he had several comments that he would like to make. The first item relates to the graffiti that has been appearing around Town lately. He said that the town has a zero tolerance attitude towards anyone caught defacing property with graffiti and anyone so caught would be prosecuted to the fullest extent allowable and in the case of a juvenile, the parents will be responsible for paying all costs for repair and restoration. The next subject Supervisor Green wanted to comment on was vandalism of town property. He said that it is not occurring in epidemic proportions, however any vandalism is too much. Again the Town will deal harshly with anyone caught vandalizing property, whether it is town property or private property. The last subject he commented on was littering. He said the Town has a special litter patrol, but as soon as a road is cleaned up, within a day or two it is full of litter again. Any person seen littering will be issued a ticket by the town police and will be fully prosecuted.

Diane Newlander asked about the \$10,000 grant for a planning consultant and asked if that was in addition to the firm already working on the master plan. Supervisor Green said this will be a supplement to Stuart Turner and Associates. Orange County is giving \$10,000 to any municipality that is updating their master plan.

Jean Antonelli questioned the water meter bid and if it was only for new construction. Supervisor Green said that putting water meters up for bid was something the town did annually and water meters applied to everyone, not just new construction. Everyone has to buy their meters from the Town. She also wanted to know about the grant for the animal shelter. Supervisor Green said the town was not awarded the grant and because the fee we pay to the SPCA is so low compared to what other municipalities pay, it does not make sense for the Town to build and staff our own shelter without some kind of state funding.

Leo Braun questioned as to whether traffic fines could now be paid by credit card. The Supervisor said that the Recreation Department is the only department authorized at this time to accept credit card payments.

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Diane Newlander wanted to know if there was currently housing at Stewart Terrace and if existing housing is coming down and new going up. Supervisor Green said that some new units went up as old ones came down so there is basically the same number of units. He said that the housing is almost ready to be occupied which is why they are signing the Memorandum of Understanding and the PILOT Agreement.

Diane also said that she met Congressman John Hall this past weekend and he said that the Town had been invited to a planning meeting with the Port Authority about Stewart Airport. Supervisor Green said that was the first time the Town had ever been invited to a planning session relating to the airport even though the airport is located within the Town and he was very pleased about the invitation.

Hearing no one else wishing to speak, the Supervisor entertained a motion to close the public forum.

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 4-0

19 On Agenda: Adjourn

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:31 p. m.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc